

### REMARKS

Reconsideration of the Application respectfully is requested. For the reasons indicated hereafter, the Application is urged to be in condition for allowance.

A Petition for Extension of Time (one month) is being filed concurrently herewith.

As requested at Page 3 of the Official Action, the Specification has been amended to state with respect to the growth habit that the plant "forms a relatively slow growing clump".

It respectfully is submitted that the continued rejection of the Application under 35 U.S.C. § 112 for failing to provide further information with respect to the minutia of the flower petals and sepals would be inappropriate. Such minute details are not basic descriptors for a Eupatorium plant as used by plant scientists and are not needed in order for one skilled in plant technology to readily identify plants of the new 'Little Joe' variety in view of Applicant's otherwise detailed Specification and photographs. It further respectfully is pointed out that it is impossible for Applicant to obtain such extremely detailed information since flowers are not available for study. Accordingly, it respectfully is urged that Applicant has complied with the statutory requirement of 35 U.S.C. § 162 by providing a plant description that is "as complete as is reasonably possible". There has been full compliance with the statutory prerequisites of Title 35 of the United States Code. The withdrawal of the rejection under 35 U.S.C. § 112 is in order and is respectfully requested.

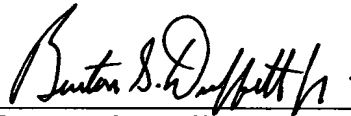
If there is any remaining point that requires clarification prior to allowance, the Examiner is urged to telephone the undersigned attorney so that the matter can be discussed and resolved.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 12, 2004

By: \_\_\_\_\_



Benton S. Duffett, Jr.

Registration No. 22,030

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620